

Before the
Federal Communications Commission
Washington, D.C. 20554

Petition For Declaratory Ruling and/or Rulemaking Filed)	
by Americatel Corporation and Joint Petition for)	
Rulemaking To Implement Mandatory Minimum)	CG Docket No. 02-386
Customer Account Record Exchange Obligations on All)	
Local and Interexchange Carriers Filed by AT&T Corp.,)	
Sprint Corporation, and WorldCom Inc.)	
)	

COMMENTS OF AMERICATEL CORPORATION

Americatel Corporation (“Americatel”),¹ through counsel, respectfully submits its comments in the above-captioned proceeding. Americatel is filing these comments to address the request of AT&T Corp., Sprint Corporation, and WorldCom Inc. (“Major Carriers”) “to initiate a rulemaking proceeding to impose mandatory minimum Customer Account Record Exchange (“CARE”) obligations on all local and interexchange carriers.”²

It is important for the Commission to remember that there are two distinct types of calls that must be considered—presubscribed (1+) calls and dial-around (101XXXX+) calls.

¹ Americatel, a Delaware corporation that is a subsidiary of ENTEL Chile, is a common carrier providing domestic and international telecommunications services. Americatel also operates as an Internet Service Provider (“ISP”). Americatel specializes in serving Hispanic communities throughout the United States, offering presubscribed (1+), dial-around, and prepaid long distance services, as well as private line and other high-speed services to its business customers. The majority of traffic carried by Americatel is dial-around in nature.

² *Pleading Cycle Established for Comments on Petition for Declaratory Ruling and/or Rulemaking Filed by Americatel Corporation and Pleading Cycle Established for Comments on Joint Petition for Rulemaking to Implement Mandatory Minimum Customer Account Record Exchange Obligations on all Local And Interexchange Carriers Filed by AT&T Corp., Sprint Corporation, And WorldCom, Inc.*, Public Notice, CG Docket No. 02-386, DA 02-3550 (rel. Dec. 20, 2002) (“Notice”).

While Americatele and the Major Carriers each provide long distance services to the public and, as a result thereof, have overlapping concerns in the area of their need to obtain timely access to accurate customer data for billing purposes, the majority of all long distance calls handled by the Major Carriers is on a presubscribed basis, while the largest portion of Americatele's calls are dial-around in nature. There are different billing issues for both types of traffic. Moreover, as the Commission is well aware, dial-around traffic is subject to greater risk of uncollectible bills and even fraud because the serving carrier does not have any credit information about the callers.³

Americatele's billing specialists reviewed the CARE plan and believe that its mandatory adoption, as proposed by the Major Carriers, would resolve many billing-related issues for presubscribed traffic. As such, Americatele supports the Major Carriers' proposal as it relates to presubscribed traffic—at least for all carriers, including competitive local exchange carriers ("CLECs"), that operate in non-rural markets.⁴ However, the CARE plan is not designed to address the additional problems associated with dial-around traffic. For dial-around

³ *Policy and Rules Concerning the Interstate, Interexchange Marketplace Implementation of Section 254(g) of the Communications Act of 1934, as Amended*, Order on Reconsideration, 12 FCC Rcd 15014 (1997) (subsequent history omitted) (the FCC decided to permit carriers to continue the use of tariffs for dial-around calls even though it mandated the cancellation of tariffs for most other interstate services).

⁴ It may well be reasonable for the FCC to give special consideration to rural incumbent local exchange carriers that may not have the resources to implement a mechanized solution, such as the CARE Plan, to billing problems or might not even have any significant dial-around traffic in their exchanges. On the other hand, there are no good reasons why a CLEC, which has voluntarily elected to compete in an urban market, cannot be required by the FCC to cooperate with other carriers operating in that same market to exchange billing information for customers who leave the CLEC's network. While the details of how this billing information would be exchanged among carriers should probably be developed by industry groups, such as the Ordering and Billing Forum ("OBF"), the Commission should still declare that CLECs and other carriers operating in urban markets have an obligation, by a date certain in the near future, to use the industry-developed solution or something else that provides equally useful and timely information to other carriers on a more cost-effective basis.

calling to remain a viable option for consumers, the needs of carriers offering this service must also be addressed by the Commission.

CONCLUSION

Accordingly, the Commission should also grant the relief requested by Americatel in its September 5, 2002 Petition for Declaratory Ruling.

Respectfully submitted,
AMERICATEL CORPORATION

By: _____

Judith L. Harris
Robert H. Jackson
Reed Smith LLP
1301 K Street, N.W.
Suite 1100 – East Tower
Washington, D.C. 20005
202.414.9200
202.414.9299 (fax)
Its Attorneys

Dated: January 21, 2003

CERTIFICATE OF SERVICE

I, Lila A. Myers, do hereby certify that the foregoing **COMMENTS OF AMERICATEL CORPORATION** was served on this 21st day of January, 2003 upon the following in the fashion indicated:

K. Dane Snowden, Chief
Consumer Information Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Via E-mail

Margaret Egler, Deputy Chief
Consumer Information Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Via E-mail

K. Michele Walters, Chief
Policy Division
Consumer Information Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Via E-mail

Kelli Farmer, Policy Division
Consumer Information Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Via E-mail

Mark C. Rosenbaum
Lawrence J. Lafaro
Martha Lewis Marcus
AT&T Corp.
Room 3A225
900 Route 202/206 North
Bedminster, NJ 07921

Via US Mail

H. Richard Juhnke
Susan E. McNeil
Sprint Corporation
401 9th Street, N.W., Suite 400
Washington, D.C. 20004

Via US Mail

Karen Reidy
WorldCom, Inc.
1133 19th Street, N.W.
Washington, D.C. 20036

Via US Mail

Lila A. Myers